

REMARKS

This paper responds to the Office Action mailed on June 15, 2009. Claims 1 and 11-19 are amended and claim 21 is canceled such that claims 1-9, 11-19 and 22 are now pending in this application.

Interview Summary

Applicant thanks Examiners Carter and Weiss for their courtesy during the telephone interview held on October 7, 2009 with Applicant's representative, Andrew R. Peret. Examiners Carter and Weiss and Applicant's attorney agreed that (i) the claims as amended herein overcome the pending § 101 and § 112 rejections; and (ii) the prior art of record is not necessarily proper in the pending § 102 and § 103 rejections.

§ 101 Rejection of the Claims

Claims 11-19 and 21 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. As discussed during the interview, the claims as amended herein overcome the pending § 101 rejection.

§ 112 Rejection of the Claims

Claims 1-9 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claim 17 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed during the interview, the claims as amended herein overcome the pending § 112 rejections.

§ 102 Rejection of the Claims

Claims 1-3, 5, 8, 11-13, 15, 18 and 20-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Harding et al. (U.S. Publication No. 2005/0144052, hereinafter; “Harding”).

As discussed during the interview, the prior art of record is not necessarily proper in the pending § 102 rejection.

§ 103 Rejection of the Claims

Claims 4 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding in view of Cheng et al. (U.S. Publication No. 2002/0059130, hereinafter; “Cheng”).

Claims 6-7 and 16-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding.

Claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding in view of Amazon.com (2000).

As discussed during the interview, the prior art of record is not necessarily proper in the pending § 103 rejections.

Reconsideration and allowance of claims 1-9, 11-19 and 22 are respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By / Andrew Peret /
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of October, 2009.

Chris Bartl
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Signature